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If our friends who favor us with manuscripts for nust in all cases send stamps for that purpose.

A Colombian's Mistaken Notions About the Treaty of 1846.

Difference in language and absence of newspaper exchanges have hitherto kept apart the peoples of the United States, Mexico, Central America and South America; but, thanks to the recent explosion over a canal in Panama, they are likely bereafter to know more of one another and of what their Governments

have done. The North American Review for this month has three articles that should assist in the educating process.

One of the three has much to say of what it describes as "the Treacherous Treaty" of 1846 with New Granada, to which the writer, Mr. PEREZ, attributes many of the woes of Colombia.

He began with an inaccuracy by writing that the United States was "eager" to avail itself of the treaty in order to secure a canal at Panama. If Mr. PEREZ will read Senate Document No. 17. Fiftyeighth Congress, first session, he will discover how greatly he has erred.

The American negotiator was only "eager" for a removal by New Granada of customs duties on exports from the United States because arriving in American vessels. So far was the Senate from eagerness that it refused, during nineteen months after the conclusion of the treaty, to ratify it.

He follows the inaccuracy with an implication that not till 1862 did the United States begin to police the Isthmus in order to protect the railway. A reading by him of President PIERCE's fourth annual message to Congress will result in the conviction that the navy of the United States began to supervise the railway in 1856 and that the Panama riot of April in that year was the cause. How much difficulty the United States had in getting from Colombia payment of \$46,000 for damages inflicted by her, the extraordinary defences set up in Washington on April 16, 1858, by Gen. HERRAN, his preposterous view of the treaty of 1846 and the necessity the United States was under of protecting the railway by an armed force Mr. PEREZ can read in MOORE'S "International Arbitrations," volume 2, page 1361.

If he will glance at the first annual message to Congress by President CLEVELAND he can also discover what our navy did in the waters of Panama in 1885, and the reasons for it.

The fact is that the American negotiator of the treaty of 1846 did not seek, and did not ask for, the transit at Panama, nor did he propose to New Granada to guarantee to her the possession of any of her territory. Colombia having shown herself powerless to protect the railway, guard it with marines from American men-of-war.

We are confident that Mr. PEREZ will. upon more observation and reflection, see how unjust it is to hold the United States responsible, in any way, for the kind of government he describes as long existing in Colombia.

A Religious "Agreement Among Gentlemen."

An effort is being made to bring about a "courteous" concert of action by the Protestant Churches regarding the religious marriage of people who have been divorced.

All of these Churches reject the sacramental character of matrimony and allow divorce for some cause. The Episcopal Church permits remarriage to the innocent party to a suit for divorce for adultery only, but ever since the Reformation Protestantism generally has added the cause of desertion. Here, for example, is the rule laid down in the Westminster Confession, the standard of faith of a very great part of the Protestant Churches:

" In the case of adultery after marriage, it is law ful for the innocent party to sue out a divorce and after the divorce to marry another, as if the offend ing party were dead.

Such wilful desertion as can no way be remedled by the Church or civil magistrate is cause sufficient of dissolving the bond of marriage."

raments.

In the Thirty-nine Articles of the Episcopal Church matrimony is put among the rejected and repudiated sac-

Accordingly, the declination of Archbishop FARLEY to join in a conference of Protestant ministers to bring about an agreement of courtesy among them to refuse to remarry divorced people after any other minister had declined to perform the ceremony was entirely justifiable and even obligatory; the Roman Catholic Church is distinguished from all Protestantism in making matrimony a sacrament and therefore dissoluble for no cause whatever. Of course, Archbishop FARLEY could not consistently enter into a conference with Protestant ministers to establish simply a policy of expediency egarding it. The Roman Catholic Church has nothing to do with divorce or its consequence of remar-

riage, for it recognizes no divorce from a sacrament as possible. So long as Protestant Churches treat marriage in principle as a contract dissoluble for any cause, of course various causes are introduced, and Protestants feel themselves free to exercise their individual judgment in taking advantage any rate, experience shows that they are not slow to exercise the discretion, even when the civil causes are not allowed by the rules or canons of their Churches

· It is true that recently a Catholic woman married anew after having obtained allivorce, but by her acts she shut herself put from Catholic communion a nurses' school, got control of a "tem-

as a grievous sinner who had violated a solemn sacrament. Her remarriage has a sure standing in civil law, but it is only an adulterous alliance under the law and profound belief of her Church.

A mere "agreement among gentlemen" to refuse to marry people as a matter of "courtesy" after a minister of another denomination has refused to solemnize the union is not likely to amount to much practically. Even if the refusal was general it would not prevent the marriage, if under the law of the State it was legal. The pair could resort to a civil magistrate bound to perform the ceremony, and the marriage and divorce question would be left exactly where it was beforehand.

Is there any possibility of a change in public sentiment which would lead to the abolition of divorce laws and the prohibition of remarriage, unless it followed a radical revolution in the religious sentiment of the people? In the legislation of every State of this Union except South Carolina marriage is now treated as a dissoluble contract, and in all besides New York for other causes than one. That is, American sentiment in overwhelming majority, as expressed in the laws of the States, is in favor of divorce and of the dissolubility of marriage as a contract, for various reasons. The Roman Catholic Church is alone in holdng matrimony to be a sacrament of religion. Efforts have been made for many years to induce the General Convention of the Episcopal Church to take

the same stand, but they have been unavailing. For many years New York has confined divorce to a single cause, but its example has not been followed by the other States. Even if the representatives of different

Churches in the conference of which we have spoken enter into the proposed agreement of courtesy, they will bind only themselves individually. Nor will they come together on a religious principle, but simply on a matter of policy. Accordingly, if people are legally eligible for marriage it may be assumed that hereafter no less than now ministers to marry them will be found among those who reject the sacramental character of matrimony as, to use the words of the Thirty-nine Articles, "not any visible sign or ceremony ordained of God," and who accept the theory of the Presbyterian "Directory for Worship" that "it s proper that every Commonwealth. for the good of society, make laws to regulate marriage, which all citizens are bound to obey." The results of the conference, therefore, do not seem to have been of any considerable impor-

The College Where They Study.

Probably most of us have never heard that there is an Indiana college or university which keeps more than 4,000 students and no holidays. That robust and admirable State, which has been growing quietly into a "literary centre" is still more quietly cherishing an "educational centre." In the Boston Transcript Mr. WILLIAM BYRON FORBUSH takes us to the Valparaiso College and Northern Indiana Normal School. Tuition: one dollar a week. Rent of a furnished room: from ten cents a week. Text books: ten cents apiece. College commons: twenty cents a day. There are students there from every State and from Porto Rico. Almost without exception, they are country peohat college is a place to study in. "They are, as one might suppose from their complexions," writes Mr. FORBUSH with superfluous superciliousness, "of the Western extension of the pie belt." It is not for a New Englander to jeer at the staple that fed the New England intelectuals while they were active or to begin odorous comparisons of complexions.

Those hunker benchers of Gray's Inn who have just ruled that there is not and shall not be any precedent for allowing a woman to become a lawyer would be improved by a visit to a Valparaiso College refectory. Women have their old rights and their new at Valparaiso. There are forty married women students. Two mothers have daughters in the college. As you peep into the dining hall you may see babies dandled "aloft on their parents' shoulders."

Valparaiso "grinds." The college year consists of five terms of ten weeks each. No holidays. Recitations go on from 6:30 A. M. till noon, from 1 P. M. till 6, from 7 to 9. Saturdays are examination days. If students leave to teach school or be hired men for a season, everything is pleasant for them when they come back. They begin where they left off, for the subjects most in demand are repeated every term in the year." Summer brings the "review term." Then the town is swamped with school teachers, laying up mental supplies for the fall. The Valparaiso High School struggles in vain against the great competitor and has been reduced to a couple of rooms over a store. Think of it! For a dollar a week a student can be indoctrinated in business. languages, law, pharmacy, science, teaching, almost everything except music, which is an "extra." If he has no money, he can earn his room and board

by working in the dining room. Cheap as the university sells everything, it makes money. It pays its instructors higher salaries than most Indiana college professors get; yet its two proprietors divide \$40,000 a year, about ten dollars a head on the pupils. Actually these notable managers make ten cents a week on each student's board. Ten cents out of \$1.20; and Mr. FORBUSH says that the board, though plain, is good, like Uncle JOE CANNON.

The boys play ball, but waste no time in training and are not allowed to play out of town. Dancing is prohibited, as a waste of time. The library consists of reference books, subscription books and public documents. No temptation to waste time there. Greek and the Calculus are not taught, for nobody wants of the causes allowed by State laws. At | them. It is the aim of this proprietary college to supply what there is a demand for. Its president is guiltless of degrees, but he has the "push" of an avalanche. Thus, soon after he built some chemical laboratories, there was a demand for smedical college. He went to Chicago, bought a medical school and

perance hospital," made the railroads give him special rates and trains, reduced the fare for the "round trip" be tween Chicago and Valparaiso from \$2 to 50 cents, took his medical students to Chicago and back every day. Fare and board in Valparaiso, \$4; board in Chicago, \$6. Since then, he has built a dormitory in Chicago and boards Saw-

bones for \$3 a week. A manual training school and an agricultural school are to be the next ventures of the genius. Like Dr. HARPER, he is a man of business. He doesn't stand on the dizzy peaks of "culture. His wooden boarding houses are hideous. His students, being so unfashionable as to study, bother themselves little about contemporary fashion. The college catalogue looks like a natent medicine almanac. Near the college Mr. FORBUSH read this comprehensive card:

" F. C. NTE, Instructor in Oratory, Elecution, Delsarte, Fencing, Boxing, Bible Reading and

Shakespeare." But the students become business men farmers, farmers' wives, teachers school superintendents, preachers "Some are in Congress." According to Mr. FORBUSH, it is "the university of the million." It is a university in a million for its students study. They mean business. Their gilt edged brethren in col leges of loftier names have no reason to look down. A college for real, steady study is a refreshing novelty, however "vulgar" it may seem and however much it clashes with present systems.

Indiana and Mr. Roosevelt.

It is perfectly true, as Senator FAIR-BANKS is said to have assured President ROOSEVELT, that no dissatisfaction with the present Administration was expressed by Indiana Republicans at their last State convention. There is no doubt that a resolution adopted by that body indorsed the "able and patriotic Administration of President ROOSEVELT." and promised him the "earnest support of the Republicans of Indiana in all his efforts to continue and advance the prosperity of the people at home and the glory of the Republic abroad."

There is not a word in the resolution about a second term, however; and, so far as the last Republican State convention of Indiana is concerned, all its members, including Senator FAIRBANKS himself, will be at liberty next spring to support any candidate for the Presidency whom they may prefer.

As a matter of fact, it would not have made a particle of difference had the members of the last Republican State convention of Indiana expressed unanimously a wish that Mr. ROOSEVELT should be nominated for the Presidency in 1904. Such a declaration would not have been binding on the delegates to the State convention which will be held next year for the purpose of naming delegates to the Republican national convention. Those delegates can be bound only by the convention that selects them. Any other hypothesis is absurd. In our political history it has sometimes happened that delegates to a national convention have been chosen a year, or even more than a year, in advance. Under such ctrcumstances the indorsement of a candidate for the Presidency would, no doubt, be binding on a State's delegates, because it would emanate from the very body from which those delegates derive their authority. The last State convention of the United States began in 1856 to safe- ple. All have the curious superstition Indiana, however, was called for the exclusive purpose of designating candidates for State offices. It did not possess, and did not pretend to possess, the power to name delegates to a national convention. A fortiori, it could not claim, and did not claim, a right to instruct delegates who would be named at a subsequent date by a different body. When the last State convention held in

Ohio undertook to indorse Mr. Roose-VELT as a candidate for the Presidency in 1904 it manifestly transcended its powers. Its declaration was nugatory. The convention to be held in Ohio next spring for the purpose of naming delegates to the Republican national convention will be a law unto itself. It will take such action in the premises as at that time shall seem judicious. The fulness of its authority will not be qualified an iota by the preference expressed at the State convention held this year. The same thing, of course, is true of every indorsement of Mr. ROOSEVELT'S aspirations secured from a State convention during the current twelvemonth.

From a legal and a moral point of view every State will be as untrammelled next spring with reference to its choice of a candidate for the Presidency as Indiana is to-day.

The Cuban Lottery.

Recent despatches from Havana report the approval by the Cuban Senate of a bill for the establishment of a national lottery as a means for obtaining money for the payment of the soldiers of the insurrection.

Almost from the very beginning of Cuba's independence the lottery project has persisted. Some of the local papers have urged it, the people have discussed it and bills in its favor have been introduced in Congress. Early last spring La Lucha of Havana remarked edi-

torially: public lottery. We have had any number of private and clandestine letteries for some time, and ap parently the powers that be are getting tired of saying one thing and thinking another."

It is no doubt due to the fact that President PALMA has heretofore set his face firmly against any such project that the scheme has not been adopted before this. In an interview published in El Mundo last June, Mr. PALMA is quoted as replying as follows to a question whether he would veto a lottery bill:

"Undoubtedly I will veto it. I have the conviction that I would be obeying my conscience I must maintain here the creeds that made me a revolutionist. When we raised our flag against Spain in 1868 (the Ten Years' War), one of the things that made me hate the Government was th lottery, and the lottery here has continued repugnant to me the same as everywhere. The lotters is a source of revenue to the State, but the money collected thereby is almost a robbery. Nothing is more immoral than for the country to be a grea bank in which the lottery figures. The lottery lowers the moral level of a people; it seems to have been invented for indolent countries, where men do not love to work. No; the lottery would be

shall have to oppose it unequivocally."

There are some indications that Mr. PALMA has lately shown signs of yielding to pressure, and it is now thought that should a lottery bill pass the House with no more opposition than it encountered in the Senate he would pocket his scruples and give it his reluctant approval.

The Cuban lottery is not yet a certainty, although it now appears probable that it will be established. Such a step could only be regarded as deplorable, but, while Gen. Wood's concession to the Jai Alai stands unshaken, it is doubtful if the United States is justified in any vigorous censure of the Cubans for reviving an institution which has been so long familiar to them that its inherent immorality is not particularly striking.

The Nicaraguist Argument.

We print with pleasure a communication from Mr. JOHN R. DOS PASSOS, setting forth the legal, moral and political aspects of the canal business from the point of view of the advocates of the Nicaragua route.

We doubt if anybody could present more effectively than Mr. Dos Passos the somewhat scattering case of those who would like to have Congress unsettle accomplished facts and throw back the canal to the inferior route, and thus delay the actual beginning of work upon the waterway.

It is well to know how strong an argument can be made by an accomplished jurisconsult in favor of such unsettlement and delay; and even if we are not mistaken in supposing that Mr. Dos Passos holds a professional relation to certain interests which would profit by the overthrow of Panama and the substitution of Nicaragua, that circumstance does not impugn the sincerity of his denunciations or detract from the value of his exhibit.

We contemplate with deep sorrow and almost with vicarious shame the Evening Post's official statement of what it would have done on the Isthmus had circumstances made that newspaper, and not the Roosevelt Administration, responsible for American interests there:

"The same result could have been reached with some regard for appearances. The booty could have been bagged just the same, yet the burglar could have looked, to the casual eye, more like a church member.

After studying the details of our contemporary's hypothetical and hypocritical plan of procedure, most Americans will be profoundly grateful that the management of the business was in other hands.

The Tremendous Job of England in India. TO THE EDITOR OF THE SUN-Sir: The letter rule in India in no way negatives the claims of "An Aryan Hindoo." A quotation from the hysterical utterances made against our control in the Philippines would by no means prove that our administration there was rotten and corrupt. Mr. Bharati quotes as conclusive the charge made by a prominent Socialist, comrade of the English Anarchist we have just deported, that England was deliberately starving 200,000,000 Indians. His views on marriage and the division of wealth detract from the weight of any statement that he makes. Human power cannot cause periodic droughts, the famine areas are well defined and the administration is gradually solving the problem by irrigation. He say that England desires to stifle industries. Th construction of railroads, telegraphs and a splendid postal system have done more for India than a thousand years of native rule

would have accomplished.

Our modern ideas of civilization are in direct conflict with Orientalism. Centuries of child marriages have peopled India with teeming masses of weakings who cannot solve the problem of existence. The caste system also clogs education, which the Government and our missionaries are doing so rnment and our missionaries are doing so nuch to foster. The Indian merchants, on much to foster. The indian merchants, on the whole, are very prosperous and con-tented. I lived three years in the country, and though some Americans point out serious defects in British rule, I have never met one there who would not willingly concede that the people were infinitely better off than they would be under ever warring despots of the old regime or under the flag of any other pation.

old regime or under the hag of any oracination.

Also, in spite of the laments of spiritual dreamers, the cultivated business men who now form the backbone of the country willingly give tribute to the English education which all now are so anxious to get. Ask them if they wish to go back to the days of Suraj ud Dowlah. These progressive men are the Americans of the East.

TROY, N. Y., Dec. 2. MORTON H. SMITH.

The Waterscape at St. Louis. TO THE EDITOR OF THE SUN-Sir: Your glowing ditorial article in THE SUN of Dec. 1 on the St. Louis exposition suggests some practical qu What does St. Louis propose to do in the matter o water for her visitors to drink? That is one of the things I want to know before I decide to visit the exposition. I have had some experience with Mississippi River water. Filtering it takes out the mud-some of it-perhaps all of it-but it does not deprive it of those properties which make it a deadly my to Fastern stomachs. Not long ago we were told that Chicago sewage had added another Another question: They will, no doubt, provide

hotels enough, but there are a good many people who will want to know something about the hospi-tals. Has the exposition management done anything about hospital accommodations? The man o goes to St. Louis and drinks Misssissipp more need of a hospital than a hotel ONE WHO HAS BEEN THERE.

The Cortlandt Street Station Again. TO THE EDITOR OF THE SUN-Sir: How long is the dreadful condition of affairs at the Ninth avenue and Cortlandt street elevated station going to be tolerated by the public who are obliged to descend the one narrow flight of stairs every morning in terrine jam of trainload after trainload of people pushing and crowding in their endeavor to get to the street, and again in the evening, becoming crushed in the mob of people trying to force their way up the one flight of stairs while other people are striving to force their way down? Why are there not two stairs provided both on the uptow and downtown sides at a station like this? such a condition be submitted to in any place but this soft snap city! NEW YORK, Dec. 2. Emerson Contradicted by Milton.

TO THE EDITOR OF THE SUN-Sir: The sound of the bombarding and cannonading still goes on but I believe dear old John Milton stands control many of the dicta thus far expressed. Still battled farmer fired his shot much later in the wake of centuries. And yet Milton may be read

"No war or battle's sound Who shall arise to reconcile acoustics, the poet and simple mundane law? Prof. Harry Thurston Peck or Andrew Lang? ENGLISH 26. NEW YORK, Dec. 2.

in his "Hymn on the Nativity." as follows

The Troubles of the Old Playwrights. ophocles was receiving congratulations. Yes," he admitted, "I think my plays are pretty considering how I am handicapped. see, I have no popular novels to dramatize."

Excusing himself, he hastened forth to see how much had been taken in by the box office. Thespis had just invented the art of make-up.

"But why." asked the rest of the company." didn't you invent some leading ladles who would make Realizing how he had falled, the father of Greek

Euripides was writing a tragedy of Troy Perceiving that he had not sounded the uttermost depths, he was fain to revamp his work.

return to the past, which would hurt me very much. THE SPOONER ACT AND THE NICARAGUA ROUTE.

Mr. John R. Dos Passos's View of the President's Duty Under the Law.

TO THE EDITOR OF THE SUN-Sir: The uestion of building a canal to unite the Atantic and Pacific oceans was permanently ettled, so far as the United States was concerned, by act of Congress approved the 28th ne, 1902. This piece of legislation s known as the Spooner act. hould build a canal, where it should be located, its cost, its future control-each and all of these questions were finally resolved by this act of the National Legislature. I quote such portions of the law as are necessary to a full comprehension of the sub-

ect. The act is as clear as the noonday sun. The President is

Authorized to acquire from the Republic of Colombia * * perpetual control of a strip of land, the territory of the Republic of Colombia. (Section 2.)
The President may acquire such additional terri-

tory and rights from Colombia as in his judgment will facilitate the general purpose hereof. (Section 2.) That when the President shall have obtained by treaty control of the necessary territory from the Republic of Colombia, as provided in Section 2 hereof, he is authorized to pay for the property and to the Republic of Colombia, and to the Republic of Colombia. such sum as shall have been agreed upon. (Sec-That should the President be unable to obtain

for the United States a satisfactory title to the property

and the control of the necessary territory of the Republic of Colombia within reasonable time and upon reasonable terms, then treaty control of the necessary territory from Costa
Rica and Nicaragua, * * shall * cause
o be excavated * * a * * canal * * y way of Lake Nicaragua, &c. (Section 4.)

That in any agreement with the Republic of Colom-tic the President is authorized to guar-antee to said republic the use of said anal and harbors, upon such terms as may be agreed upon, for all vessels owned by said States or by citizens thereof. (Section 6.) This law is what may be called unilateral

legislation. It is fully executed on the part of the United States, but it is in the shape of a mere offer to Colombia and Nicaragua. Pros were first to be made to the former, and if she did not accept the terms of the act vertures must be made to, and, if possible, treaty concluded with. Nicaragus. abia having neglected to accept our erms, and by the adjournment of her Legis-

ature rendered it impossible on her part to do so within a "reasonable time," was squarely and forever closed to her: and with this termination, the project of building canal by way of Panama was clearly aban-The "reasonable time" during which the

President was to wait for Colombia's acceptance of the terms offered her, if it did not xpire sooner, most certainly with the adjournment of her Legislature, coupled with a failure to accept the term of the Spooner bill. The act of the President Republic of Panama conclusively shows also that the Administration regarded the Republic of Colombia as definitely refusing our

What was the plain duty of the President under these circumstances? To open nego-tiations with Nicaragua. There is no loop-hole through which one can escape from this conclusion. The language of the act of Conhole through which one can escape from this conclusion. The language of the act of Congress is not ambiguous or involved. It is plain and clear, and he who runs may read it. What has been done to obtain the consent of Nicaragua? Absolutely nothing. In the lexicography, geography, diplomacy, or, to be more correct, politics, of the President and the learned Secretary of State there is no such country as Nicaragua. The plain command of Congress directing the President, in the event of his failure to contract with Colombia, to make terms with Nicaragua has been treated with an open refusal, if not contempt. In the outset I respectfully suggest that the question of building a canal under the Spooner act is not one of diplomacy at all, calling for the opinion of the Secretary of State. On the contrary, it is one of statutory construction and within the province of the Attorney-General. The point is one for lawyers to decide, not diplomats. We need a Webster, not a Talleyrand. Why, therefore, does not Mr. Roosevelt obtain the opinion of his law officer? The American bar would be glad to read his views, sustained by legal and logical sequences, upon this important subject. We should then get something better than the miserable sophistry with which the President and Secretary of State have endeavored to blind the country.

There have been two excuses advanced for the acts of the Administration in this preminently delicate and interesting canal questions.

There have been two excuses advanced for the acts of the Administration in this pre-eminently delicate and interesting canal ques-tion. One is applicable to the doings of our army and navy at Panama, and the other in reference to the attempt to substitute the name of the "Republic of Panama" for that of the Republic of Colombia in the Spooner the Republic of Colombia in the Spooner processes that not a of the Republic of Colombia in the Spooner act. But it is a significant fact that not a solitary word has been officially uttered to show why the President did not, Colombia having neglected or refused our terms, proceed to negotiate with Nicaragua! He was so specifically commanded by Congress; he had nothing to do with any other country but Nicaragua. If Nicaragua refused our overtures the whole subject would again necessarily be remitted to Congress. A revolution in Panama had no relevancy to the question, because the Panama Canal had been definitely abandoned. The country cannot be diverted from the main, real, only issue by the side play in Panama. We want a direct answer to this question: "Why did you not, Mr. President, obey the act of Congress and negotiate with Nicaragua?"

act of Congress and negotiate with Nicaragua?

Let us, however, examine the pretences which are proferred for the spectacular conduct of the Administration upon the Isthmus of Panama within the last thirty days.

The excuse that the acts in question were committed to enable the United States to maintain its obligations, under the treaty of 1846 with New Granada, to keep the Isthmus open is superficial and a mere pretencestrikingly so in connection with the openly expressed determination of the President and the Secretary of State that they intend to build a canal through that region, which they could not do with Colombia in possession. This admission so fully reveals their purposes that it is a pure waste of time to enlarge upon the point. Besides, the only possible disruption of the peace arises from the joint act of the United States and the revolutionists, so called.

ralled.

He is a bold man who will claim that the reaty of 1846 applies to such a state of affairs. If President Roosevelt had not determined to ould the canal by that route, the Isthmus would now be as quiet as Wall street on Sunand a sleeping watchman could preserve

day, and a seeping watchman could preserve the peace.

Instead of aiding the revolutionists, it was our duty and obligation, under the treaty of 1846, to assist the Republic of Colombia. The language of that treaty is as follows: Innguage of that treaty is as follows:

The United States guaranty positively and emcaclously to New Granada by the present stipulation the perfect neutrality of the before mentioned Istimus with the view that the free transit from the one to the other may not be interrupted or embarassed in any future time while this treaty exists, and in consequence the United States also guaranty in the same monner the right of sovereignity and property which New Granada has and possesses over the solid territory.

How could the right of "sovereignty and How could the right of "sovereignty and property" of Colombia be maintained if the United States allowed the territory of Colombia to be divided or stolen from her by foreign or domestic foes? It is, however, vehemently argued by some friends of the Administration that the above quoted language only applies to external foes and does not cover a revolution within the sovereignty of the Colombian Government. This view is wholly unsustainable, and if the meaning of these words is required to be made clear by contemporaneous history, we have the striking words of President Polk (effectively and repeatedly quoted by the newspapers), as follows:

The guaranty of the sovereignty of New Granada

The guaranty of the sovereignty of New Granada The guaranty of the sovereignty of New Grana over the Isthmus is a natural consequence of guaranty of its neutrality, and there does not set to be any other practicable mode of securing t neutrality of this territory. New Granada wor not consent to yield up this province in order than night become a neutral State: and, if she should, is not sufficiently populous or wealthy to establi and maintain an independent sovereignty.

and maintain an independent sovereignty.

But supposing that the language of the treaty is only applicable to assaults by exterior enemies, the United States was certainly bound in honor and under the rules of international law not to foment, assist or sustain a donestic revolution. In either aspect of the subject the acts of the President are wholly unsustainable.

What has he done? The protection we owed to Colombia we have given to the so-called revolutionists. The United States, having aided a few persons to steal a piece of territory from Colombia, now proposes to permanently deprive Colombia of this land by her great naval and military power, not by the strength of the revolutionists, and to pay the money voted to Colombia, and to Colombia alone, to the persons who stole the property—under the brilliant theory of our Secretary of State that such an operation Colombia alone, to the persons who stole the property—under the brilliant theory of our Secretary of State that such an operation is analogous to a well known rule of law that certain covenants run with the land! Covenants often do run with land to the third and fourth generations; but there must be a covenant at the beginning. Where is the covenant which the Secretary of State invokes? Point it out. A covenant is an agreement; an agreement requires the consent of two Point if out. A covenant is an agreement; an agreement requires the consent of two partiess. The United States and Colombia never agreed; in truth, they disagreed. The seizure of Panama is based upon a covenant running with the land without a covenant—a

superstructure built upon air. This is a beautiful conception. Must we lose our reason as well as our moral sense in this reprehensible business? Judgment, hast thou, too, fied to brutish beasts? I own a piece of property on Fifth avenue which the United States has offered to buy from me for \$10,000,000. I do not accept the proposal, whereupon the United States enters into a conspiracy with the tenants in possession to take the property; and, supported by the superior power of the Government, the act is accomplished. My property is forcibly wrested from me, and the thieves receive the money provided for in the original offer. This is upon the principle of covenants running with the land! We were at peace with the Government of Colombia. Her Minister, laboring zealously to effectuate the provisions of the Spooner act, was at our Capitol. Over night, when no one's suspicions were aroused, we entered into a conspiracy with a band of dishonest American and French promoters to steal the territory of Colombia and to forever prevent her from recovering it. Covenants running with the land, forsooth—covenants, rather, running from the devil! And what right has the President to justify the act upon the pretence that he wanted a canal built through the Isthmus of Panama, when the act of Congress had killed that project and ordered him to treat with Nicaragua?

Then it is said that the Spooner act is broad enough to cover dealings with the "Republic of Panama" that it is proposed to substitute he words "Republic of Colombia"—not once but all through the act! It is hard to deal patiently with this subterfuge; but coming as the suggestion does from such high and respected authority, it should be presumed to be urged in a bona fide spirit.

It is impossible upon any rule or theory of statutory construction to take out one of the principal parties—"Colombia"—to a statutory contract and to substitute another—"Panama. The suggestion is utterly unheard of.

Panama." The suggestion is utterly unheard of.

If the United States Government makes a proposition to John Smith, it is impossible to substitute Samuel Jones in place of Smith without the consent of Congress, nor could John Smith assign the proposition to Samuel Jones without the consent of Congress, nor could John Smith assign the proposition to Samuel Jones without the same consent.

There were three parties to the Spooner act—the United States. Colombia and Nicaragua. The United States and Colombia were the primary parties, and the United States and Nicaragua. The Primary parties, and the United States and Nicaragua having dropped out, either by refusal or otherwise, the President had nothing to doexcept to proceed to deal with Nicaragua. Changed ownership would involve changed conditions. The entire situation is different. Congress, in passing this law, never had any intention of dealing with any one but Colombia. Congress may not be willing to pay as much to the Republic of Panama as to the Republic of Colombia. Why should the newborn baby Republic of Panama, brought into life by a diplomatic incubator, get this snug sum of \$10,000,000.
Congress might feel inclined to give it allos.

How can the "Republic of Panama" be

How can the "Republic of Panama" be substituted for the "Republic of Colombia" when the former was not in existence at the time the act of Congress was passed? Not in existence; no, not even dreamed of when the Spooner act became a law. If a new party is to be introduced, must not Congress be consulted? Will the learned Secretary of State show some kind of authority in the Constitution giving the power to the President of the United States to amend the law of Congress? I have shown that the attempt of State show some kind of authority in the Constitution giving the power to the President of the United States to amend the law of Congress? I have shown that the attempt o justify the act of the Administration by applying a rule analogous to the well known doctrine of covenants running with the land is absolutely untenable. But there is another forcible reason why the "Republic of Panama" cannot be substituted for the "Republic of Colombia" in the Spooner act. No money can be drawn from the Treasury to carry out the project of building the canal through the Ishmus of Panama.

That when the President shall have Inat when the President shall have "obtained by treaty control of the necessary territory from the Republic of Colombia, as provided in Section 2 hereof, he is authorized to pay for the property "and to the Republic of Colombia such sum as shall have been agreed upon. (Section 3.)

The language of Section 8 of that act is: The Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time as the proceeds may be required to defray expenditures authorized by this act such proceeds when received to be used only for the purposes of meeting such expenditures.

only for the purposes of meeting such expenditures.

Under the last quoted language what kind of reception will an individual receive who presents a warrant drawn on this fund to the order of the Republic of Panama? Would the Comptroller of the United States under this act, naming with such studied iteration the "Republic of Colombia," take upon himself the responsibility to honor or pay drafts drawn in favor of the Republic of Panama? What money institutions or bankers would subscribe for bonds issued under such conditions?

All the machinery within the combined powers of the Executive and Secretary of State will not be strong enough to obtain a penny from the Government exchequer. No one can write a new name in this act of Congress but the body which passed it. It alone can amend or repeal it. Until the national legislature acts, the duty of the President is plain and simple: He must deal with Nicaragua.

As the situation now stands, the Executive is in open opposition to an act of Congress and to the Constitution. So long as he is supported by the brute force of a legislative majority he is safe from impeachment, but the comment of the convented to the conve

supported by the brute force of a legislative majority he is safe from impeachment, but when he comes to the point of drawing money to build a canal in concert with the Republic of Panama he will find himself blocked. Capitalists will be slow to accept bonds under circumstances which throw doubt upon the validity of the issue.

The courts cannot control the Executive, circumstances which throw doubt upon the validity of the issue.

The courts cannot control the Executive, but means will be found to contest the validity of bonds attempted to be issued in behalf of the Republic of Panama. A way was found to question the right of Congress to levy an income tax, and it will not require more ingenuity to bring all the acts of the Administration relative to Panama before the courts of the United States.

In the meantime the world stands aghast. The President's temerity and the apathy or our people alike excite amazement. Nor do foreign nations intervene. They justly dread our power. But everywhere one hears the cry of "Shame! shame!" that the American giant should deal so brutally with the weak, defenceless Colombia. A canal built upon the Isthmus of Panama under these circumstances will be like the bridge described by Milton and paved by Sin and Death, from hell to the earth. It will be an imperishable monument to our national dishonor.

New York, Dec. 1.

NEW YORK, Dec. 1. Plus X.'s Temporal Standpoint. From the Tablet

The two political paragraphs in the Pope's allo "Now since it is necessary and of prime imporance for the interests of Christianity that the Pontiff in governing the Church should be, and be seen to be, free and subject to no power, we do complain, as we are bound to complain by the nature of our office and by the oath we have taken, and a the most holy cause of religion demands, of the most grave outrage which has been inflicted on the

Church in this respect.

"True, we are aware that some will take umbrage when we say it behooves us to concern ourself with political matters also. But every impartial judge will recognize that the Pontifi cannot separat treatment of political matters from his office of teaching faith and morals. Moreover, since he is the head and ruler of a perfect society as the Chu is, made up of men and established among men he must assuredly desire, if he wishes to promote the security and liberty of Catholics in all parts of the world, to be in relation with the heads of States and Individual rulers."

The Golf Champion of Congress.

From the Washington Post.

There is not a more athletic figure in all the Senate than that of Mr. Aldrich of Rhode Island. is always trained down to fighting weight; his step is as quick and clastic as a boy's; his bearing that of muscular man. So easily active and unconsclously strong is the Rhode Islander that there is The secret is said to be in his devotion to the ancient game of golf. Near his residence in Providence he possesses expansive acres on which is his own private links. Many a morning during the long summer and autumn months find bright and early whacking the clusive ball and It is claimed that the Senator is the champion golf player in Congress.

Queer Allegation About a Now Famous Pict-

TO THE EDITOR OF THE SUN-Sir: Is not the the Aldermanic chamber, City Hall? They selected the artist, and in reproaching him how that his work offends some of the most elementary principles in drawing, they are only accusing them selves of incompetency. It is art effected that when the artist is selected and his work signed there is nothing more to be done but pay. A signed work of art is like a check; and you cannot expect \$100,000 checks above the signature of a newsb Not one member of this Art Cor to have noticed that the painting is placed upside NEW YORK, Dec. 2.

Mrs. Knicker-liave you thought of any surprise or your husband? Mrs. Bocker-Yes, Indeed; I shall give him cigara. He made such a fuss last year he won't expect them

HOW TO END EXTRA SESSION. Two Plans Suggested, but Neither Decided

Upon by the House Leaders. WASHINGTON, Dec. 3.-The House leaders are undecided as to the manner of adjourning the extraordinary session. Two plans have been suggested, one is to take a recess on Friday or Saturday until 11 o'clock on Monday and adjourn at 12 o'clock, and as the hammer falls to rap again and convene the House in regular session. The other is to adjourn on Fri-day or Saturday and allow the extraor-

dinary session to die a natural death. Another postponement of the announce-ment of committees has been made necessary. If the Speaker can be ready on Saturday they will be named then, but the probabilities are that it will go over until Monday.

"The boys will observe the Sabbath

better if they don't know until Monday what they are going to get," is Speaker Cannon's argument

THE BRITISH AMBASSADOR'S FATHER. His Distinguished Services and Singuish

Death in India. TO THE EDITOR OF THE SUN-Sir: In the appreciative notices which have appeared in the American papers regarding the new British Ambassador at Washington I have not ob served any reference to the services of his distinguished father, Sir Henry Marlos Durand, whom I had the honor of meeting just thirty-three years ago on the banks of the River Indus, when in December of the year he made a tour of the northwest frontier of India as Lieutenant-Governor of the Punjab. The position of Lieutenant-Governor of an Anglo-Indian province is really that of Governor; and I well remember Sir Henry saying: "How strange it is that forty-three in the Queen's service, little dreaming that should ever cross it again as the chief repre

sentative of the Queen in this province. This incident took place only a month be fore Sir Henry was fatally injured as he enthrough the gateway of the City of Tonk, in the Derajat district and was crushed howdah. The elephant was much larger than those belonging to the native Princes Tonk, and no one had foreseen the possibility of such an accident. It took place on the last day of the year, and Sir Henry peacefully expired on New Year's Day, 1871. His remains lie buried in the English churchyard of Dehra Ismael Khan. Sir Mortimer's father was onof the most distinguished Anglo-English states man of his time, and was known as the "here of Ghuzni," for when a young Lieutenant of

of Ghuzni," for when a young Lieutenant of Engineers he accompanied Gen. Keane in the invasion of Afghanistan, 1838-39, and with remarkable bravery led the storming party which captured the gate of that historic citadel.

At the outbreak of the Indian Mutiny he was British resident at Indore, and Lord Canning, the Governor General of India, officially declared that Durand had saved the interests of the British Government with the powerful native Prince Holkar until material support arrived. It is a curious coincidence that after Sir Henry Durand left Indore he occupied the same position under Lord Canning that his son, Sir Mortimer Durand, held in after years, namely, that of Foreign Secretary.

in after years, namely, that of Foreign Secre-tary.

A gold medal has been struck in memory of Durand, the hero of Ghuzni, and every year one of these medals is presented by the Commander-in-Chief to some distinguished

year one of these year one distinguished commander-in-Chief to some distinguished native officer.

The British Ambassador at Washington comes of a heroic line. His paternal grandfather fought under Wellington at Waterloo and his maternal grandfather commanded a regiment under Gen. Keane at Cabul. His distinguished father was not only a soldier of bravery and statesmanlike instincts, but he was a man of deep piety, and attributed his earliest religious impression to Alexander Duff, with whom he came to India and suffered shipwreck on an island in the Indian ocean.

New York, Dec. 3.

The Sherman Monument - A Statement by Mr. Saint-Gaudens. TO THE EDITOR OF THE SUN-Sir: Will yokindly permit me to make a statement

regard to the surroundings of the Sherman ionument? Unfortunately, the circle enclosing the monument is small for so large a group. lessen this defect the pedestal was made low that the spectator might view the statue at the proper angle without having the helly of the horse appear too obtrusive. This was done in the expectation that the grassplots or the outer edge of the circle would be removed These plots not only confuse the composition but make it impossible to see the monument properly, the spectator being confined to strips on two important sides (the southeas) group that the object of the scheme is defeated When the matter of the erection of the monument on the present site was being considered I distinctly and repeatedly stated the objection to the grass to Mr. president of the Park Commission. From his attitude, I was foolish enough to infer the

there would be no difficulty in removing it now he refuses to do so, saying: "I gave the matter a great deal of consideration when the statue was erected and finally came to the conclusion that the grassplots added much to the attractiveness of the circle and did not, to any appreciable extent, prevent a proper view of the statue." And he concludes, "I am further convinced from the fact that although the grassplots have existed for severa months around the memorial, visitors have not found it necessary to stand upon then for a satisfactory view.

How Mr. Willcox arrives at this conclusion is difficult to understand, for the spectator views the statue from where he may find footing; and the ever vigilant policeman is promp to hustle him off the grassplots, while the passing horses and vehicles prevent his standing in the roadway beyond.

In declining to complete this design in th manner desired by those who have given it the most careful study -that is, by replacing the grass strips with gravel or brick-Mr. Willean assumes a responsibility for which he seem scarcely fitted by education or experience and does so unnecessarily, for he has at han an official body (the Art Commission) ready and able to give him the best of advice. AUGUSTUS SAINT-GAUDENS WINDSOR, Vt., Dec. 3.

Divorce Injurious to Society TO THE EDITOR OF THE SUN-Str. Although the

sentiment and practice of the people favor divorce the State has no moral right to grant a divorce. In marrying, parties to the contract agree befor itnesses to remain man and wife until separate by death, and to take each other for better If the State grant a divorce it can only do so the grounds that marriage ceremon by a minister of the Gospel are illegal.

Marriage ceremonies should be performed by also be performed for social benefits, no matter wha the denomination might be.

Habitual drunkenness, cruel treatment, wife neglect to provide, &c., should be handled of them seives by the civil authorities. So far as the law goes, divorce is entirely respecta

ble and remarriage after it is permissible; law is wrong and unjust to the people as a whole The State, in granting a divorce, alas in injecting into the community a weakness which is to be in herited by the following generations, until a time will be reached when the descendants of divorces will be entirely unable to live in wedlock and the result will be public men and public women CARL EICKEMRYBE

Cranks and the President.

TO THE EDITOR OF THE SUN-Sir: To those familiar with the habits of the mentally unbalance. there is nothing surprising about the attempts many of the large number of the floating insate to approach the President. While some of the persons are undoubtedly paranolaes, who are mo or less dangerous, a greater proportion are harm less, as was the poor old vender of a charcoa nostrum whose case has filled the newspapers fo the past week.

Much of the present epidemic is due to the per telly unnecessary publicity that has been give to their pranks, but some of it is undoubtedly the well recognized attraction that a comman ing personality has for those who are erratic.

It is to be hoped that less publicity will be given the antics of the unbalanced hereafter, and the resuit will unquestionably be a diminution of the tempts at approach, as well as far greater security and comfort for public officials generally.

NEW YORK, Dec. 8. M. D.

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